

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WESTERN BULK SHIOPWNING III AS , :

: Petitioner,

: v.

CARBOFER GENERAL TRADING SA, :

: Respondent.

X

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| USDC SDNY               |
| DOCUMENT                |
| ELECTRONICALLY FILED    |
| DOC #:                  |
| DATE FILED: APR 27 2012 |

12 Civ. 2247 (JPO)

ECF Case

**ORDER ON PETITION FOR ASSISTANCE TO  
FOREIGN TRIBUNAL UNDER 28 U.S.C. § 1782**

**WHEREAS**, on March 27, 2012, Petitioner Western Bulk Shipowning III, AS, filed a Verified Petition in the captioned action seeking assistance to a foreign tribunal under 28 U.S.C. § 1782 with respect to its pending English High Court proceeding against the Respondent, Carbofer General Trading SA, in which Petitioner is seeking recovery of damages exceeding US \$6,500,000.00; and

**WHEREAS**, the Petitioner's request for relief as set forth in its Petition, and as supported by the Declaration of Petitioner's legal counsel, Sara Gillingham, is for permission to serve discovery requests as permitted under the Federal Rules of Civil Procedure on the following non-parties: Citibank, N.A.; Bank of New York Mellon; J.P. Morgan Chase; BNP Paribas; Societe Generale; UBS AG; HSBC Bank USA N.A.; Merrill Lynch; Deutsche Bank A.G.; ABN AMRO Bank; N.V.; Bank of America; Oversea-Chinese Banking Corporation Limited; and United Overseas Bank Limited; and

**WHEREAS**, the Court has reviewed the Verified Petition and the supporting Declaration of Sara Gillingham along with the Petitioner's Affidavit of Service attesting that it has served the Respondent with a Summons and the Verified Petition and supporting Declaration of Sara

Gillingham and finds that the conditions for relief as permitted by 28 U.S.C. § 1782 appear to exist; and

**WHEREAS**, the Court has not received any opposition to the Verified Petition from Respondent who has been duly served and has had sufficient time to respond thereto it is hereby

**ORDERED** that Petitioner may proceed to serve discovery requests as permitted by the Federal Rules of Civil Procedure to seek information regarding Respondent's assets, including the location of such assets, if known, that are currently held, or which have previously been held, by the following non-parties: Citibank, N.A.; Bank of New York Mellon; J.P. Morgan Chase; BNP Paribas; Societe Generale; UBS AG; HSBC Bank USA N.A.; Merrill Lynch; Deutsche Bank A.G.; ABN AMRO Bank; N.V.; Bank of America; Oversea-Chinese Banking Corporation Limited; and United Overseas Bank Limited.

Dated: April 27, 2012

**SO ORDERED:**



The image shows a handwritten signature in black ink, appearing to read "James L. Alton". Below the signature is a horizontal line, and underneath that line, the initials "U. S. D. J." are printed in a standard font.